IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22296 of 2004

Between:

K.Padmanabhan Mudaliar S/o.Eswarappa
R/o.15-65, Kammgadda Veedhi Madanapalli, Chittoor District

..... PETITIONER

AND

1 The District Collector, Chittoor.
2 Mandal Revenue Officer Madanapalli, Chittoor District.
3 Managing Director LIDCAP Hyderabad.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more in the nature of writ of Mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioner land is illegal, arbitrary unconstitutional and in violation of Art 14,21 and 300-A of the constitution of India and also in violation of principles of natural justice consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the schedule property of the petitioner in Sy.No.537/1 of an extent of Ac 5-10 cents situated at B.K.Palli Madanapalli Chittoor District pending W.P.

Counsel for the Petitioner:MR.P.JAGADISH CHANDRA PRASAD

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3: Mr. J.S. Bhaskar Rao

The Court at the stage of admission made the following :

ORDER:

The petitioner claims that the then Tahasildar has granted a patta to him vide order dated 30-4-1968 in survey No. 537/1 of B.K.Palli village, Madanapalli, Chittoor district and since then he is possession and cultivating the subject land. It is also stated that the name of the petitioner was also mutated in the relevant revenue records. It is further stated that the second respondent has issued a patta passbook and the same was duly attested by the Sub Registrar, Madanapalli on 7-8-2004. The grievance of the petitioner is that the third respondent has visited his land and directed him to vacate the same immediately.

Learned counsel for petitioner submits that the petitioner is having a valid patta in his favour and without issuing any notice or cancellation of the same, the respondents are illegally interfering with the possession of the petitioner.

On the other hand, learned Standing Counsel for third respondent submitted that the first respondent has cancelled the assignment granted in favour of the petitioner and directed for resumption of the land.

Heard the learned counsel for petitioner, learned Standing Counsel for third respondent and learned Government Pleader for Revenue. All the counsel agreed for disposal of the writ petition at the stage of admission.

The petitioner claims that a patta was granted in his favour and he is in

possession of the land, as such, if the respondents intend to resume the land of the petitioner, the respondents shall issue necessary notice to the petitioner and shall follow the due procedure contemplated under law.

In view of the above, the writ petition is disposed of directing the respondents to follow due procedure contemplated under law, if they intend to resume the subject land and evict the petitioner. Till such time, status quo existing as on today shall be maintained. No costs.

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N.V.RAMANA,J

3-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Chittoor.
2 Mandal Revenue Officer Madanapalli, Chittoor District.
3 Managing Director LIDCAP Hyderabad.

4.2CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

5.2CD copies